



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice  
Joint Committee on General Law  
March 6, 2012**

**H.B. No. 5360: An Act Prohibiting the Sale of Certain Dangerous Substances, Items and Products to Minors and Prohibiting Certain Persons from Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property**

The Division of Criminal Justice respectfully opposes subsection (a) of section 2 of H.B. No. 5360, An Act Prohibiting the Sale of Certain Dangerous Substances, Items and Products to Minors and Prohibiting Certain Persons from Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property. Subsection (a) would amend the current social host law by limiting the liability for underage drinking to a person having possession of, or exercising dominion and control over, any dwelling unit or private property, "while being physically present in such dwelling unit or on such private property."

This would seem to absolve a parent from liability or responsibility if he or she leaves the home before the drinking begins. It would seem to say that if the parent leaves and goes on vacation, goes to the grocery store or even goes to visit another person in a different apartment in a multi-unit building, he or she would not be responsible for the underage drinking that occurred in their dwelling, even if they were aware of it, as long as they were not physically present. Further, it would appear to absolve from liability a landlord who rents a unit to one or more students under age 21 or a group or organization that includes persons under 21. If at some point the landlord has knowledge that underage drinking is going on in the unit, as long as he/she is not physically present, the landlord would have little, if any, liability or responsibility for the activity.

This language is contrary to the very title of the bill, which states it is an act "prohibiting certain persons from allowing minors to possess alcoholic liquor in dwelling units and on private property." In fact, as now written, section 2 would appear to remove one of the hurdles to discourage underage drinking, that being the liability imposed on the property owner. Subsection (a) of section 2 also stands in sharp contrast to the first section of the bill, which actually proposes further protections for young people, and to subsection (b) of section 2, which would in fact strengthen the penalty under the social host law. The Division of Criminal Justice believes that the revision proposed in subsection (a) of section 2 is contrary to the original intent of the social host law and as such is contrary to public policy. We would respectfully recommend rejection of the proposed change in that subsection.